



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

August 3, 2023

**NOTICE**

TO: John M. Hines, Attorney for McCook Lake  
Recreation Area Association  
PO Box 27  
Sioux City IA 51102

Dean A. Fankhauser, Attorney for Dakota Bay  
PO Box 1557  
Sioux City IA 51102

Stacy R. Hegge, Attorney for Dakota Bay  
111 W. Capitol Ave., Suite #230  
Pierre SD 57501

Ann Mines Bailey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

FROM: Ron Duvall, Engineer III  
SD DANR, Water Rights Program

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision in the matter of  
McCook Lake Recreation Area Association's Petition for Declaratory Ruling

The Water Management Board directed counsel for the Water Rights Program to prepare proposed Findings of Fact, Conclusions of Law, and a Final Decision in the matter of the Board's denial of the action requested in the McCook Lake Recreation Area Association's Petition for Declaratory Ruling.

The Board requested the proposed Findings of Fact, Conclusions of Law and Final Decision be mailed to Board Counsel David McVey and all other parties by August 23, 2023. Written objections or comments in support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law, and Final Decision are to be mailed to Board and Water Rights Program counsel and other parties by September 11, 2023. Board counsel requests that the draft findings or alternative findings be provided in both a PDF format and a WORD format file via email to David.McVey@state.sd.us.

The Board will consider adoption of the Findings of Fact, Conclusions of Law, and Final Decision at 9:30 AM (Central Time), on Wednesday, October 4, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior issues on the agenda. Notice will be provided if there is a change in the hearing time.

At the Board's discretion, oral arguments in opposition or support of the proposed Findings of Fact, Conclusions of Law and Final Decision, or alternative Findings of Fact, Conclusions of Law and Final Decision may be made at the October 4, 2023 meeting. The evidentiary hearing was completed August 2, 2023. No additional testimony will be received at the meeting on October 4, 2023.

If you have questions about the findings process, please contact Ann Mines-Bailey at (605) 773-3215.

c: David McVey, Assistant Attorney General

## CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated August 3, 2023, regarding preparation of proposed findings of fact, conclusions of law and a final decision in the matter of McCook Lake Recreation Area Association's Petition for Declaratory Ruling was served upon the following by U.S. mail, first class postage prepaid, on August 3, 2023.

John M. Hines, Attorney  
Crary Huff Law Firm  
PO Box 27  
Sioux City IA 51102

Dean A. Fankhauser, Attorney  
Tigges, Bottaro & Lessmann, LLP  
PO Box 1557  
Sioux City IA 51102

Stacy R. Hegge, Attorney  
Gunderson, Palmer, Nelson & Ashmore LLP  
111 W. Capitol Ave., Suite #230  
Pierre SD 57501

### Above sent inter-office to:

Ann Mines Bailey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

David McVey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501



Ron Duvall  
Water Rights Program, DANR

STATE OF SOUTH DAKOTA     )  
  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this \_\_\_\_\_ day of August, 2023.



Rachel Rodriguez  
Notary Public  
My Commission expires May 16, 2029

